

FACSIMILE COVER SHEET

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TO: Commissioner for Patents

FAX NO.: 571-273-8300

FROM: Keith Taboada, Esq.

DATE: February 8, 2006

MATTER: Serial No. 1-885.870 Filed: February 5, 2004

DOCKET NO.: 8306/DSM/BCVD/JW

APPLICANT: Kaszuba, et al.

The following has been received in the U.S. Patent and Trademark Office on the date of this facsimile:

<input type="checkbox"/> Petition	<input type="checkbox"/> Transmittal Letter (2 copies)
<input type="checkbox"/> Disclosure Statement & PTO-1449	<input type="checkbox"/> Fee Transmittal (2 copies)
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<input type="checkbox"/> Drawings (<u> </u> sheets) informal	<input checked="" type="checkbox"/> Facsimile Transmission Certificate
<input type="checkbox"/> Amendment	dated <u>February 8, 2006</u>
<input checked="" type="checkbox"/> Response to Restriction Requirement (2 pages)	<input type="checkbox"/>
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Allyson M. DeVestry
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Signature

436090

RESPONSE TO RESTRICTION REQUIREMENT
 Serial No. 10/775,769
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**IN THE UNITED STATES
 PATENT AND TRADEMARK OFFICE**

PATENT APPLICATION

Applicants: **Kaszuba, et al.**

Case: **8306/DSM/BCVD/JW**

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Serial No.: **10/775,769**

Filed: **February 5, 2004**

FEB 08 2006

Examiner: **Dhingra, Rakesh Kumar**

Group Art Unit: **1763**

Confirmation No: **9333**

Title: **APPARATUS FOR REDUCING ENTRAPMENT OF FOREIGN MATTER
 ALONG A MOVEABLE SHAFT OF A SUBSTRATE SUPPORT**

Mail Stop Amendment
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

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2-8-06
 Date

Allison M. DeVeaux
 Signature

SIR:

RESPONSE TO RESTRICTION REQUIREMENT DATED JANUARY 9, 2006

In response to the Office Action dated January 9, 2006, which imposed a restriction requirement in the above-captioned patent application, the Applicants elect to prosecute the invention of species 1 of Figures 1-3 with traverse. The Applicants identify claim 1 and 21 as generic to species 1 and at least one of species 2-8. Claims 2-7 are readable on species 1. Thus, claims 1-7 and 21 are elected. Claims 8-20 are provisionally withdrawn without prejudice. The Applicants reserve the right to file divisional/continuation applications to prosecute the non-elected subject matter.

The Applicants respectfully submit that the restriction does not conform with MPEP §803 which outlines the criteria for making a proper restriction. Specifically, a restriction is proper when an application contains inventions that are independent or distinct as claimed, and that there must be a serious burden on the Examiner if restriction is required. The Examiner is required to provide reasons and/or examples to support his conclusion. The Examiner may provide a *prima facie* evidence of a serious

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PAGE 23 * RCVD AT 2/8/2006 11:35:58 AM [Eastern Standard Time] * SVR:USPTO-EFXRF-6/30 * DNIS:2738300 * CSID:732 530 9808 * DURATION (mm:ss):01:16

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burden by showing an appropriate explanation either of separate classification, separate status in the art, or a different field of search.

The Applicants respectfully submit that the Examiner has not demonstrated a serious burden in requiring a restriction in the present application. The Examiner has merely identified different species. However, the species of Figure 6A further define limitations already present in the elected species of Figures 1-3. As a field of search targeting a processing chamber having an aperture through which a shaft of a substrate supports extends, and a guard ring positioned in a step of the aperture of the species of Figures 1-3 would encompass the limitations recited the non-elected species of Figure 6A, little, if any, burden is placed upon the Examiner to consider more than solely the species of Figures 1-3 during his search. Since the species of Figures 1-3 and 6A of the present application are a reasonable number of species and no serious burden is placed on the Examiner, consideration of all claimed embodiments is proper under 37 C.F.R. §1.141 and §1.146.

The species of Figure 6A is generic to claims 1 and 21. Dependent claims 8-16 are readable upon species of Figure 6A. Thus, the Applicants respectfully request claims 1-16 and 21 be considered by the Examiner. Claims 17-20 are withdrawn without prejudice. The Applicants reserve the right to file divisional/continuation applications to prosecute the non-elected subject matter.

Accordingly, both reconsideration of this application and its swift passage to issue are earnestly solicited. If the Examiner believes that any unresolved issues still exist, it is requested that the Examiner telephone Keith Taboada at (732) 530-9404 so that appropriate arrangements can be made for resolving such issues as expeditiously as possible.

Respectfully submitted,

Feb 8, 2006


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